

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>0275M-622/PC</b>	<b>FOR FURTHER ACTION</b> <small>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</small>	
International application No. <b>PCT/US 02/ 20405</b>	International filing date (day/month/year) <b>26/06/2002</b>	(Earliest) Priority Date (day/month/year) <b>27/06/2001</b>
Applicant  <b>EMHART LLC</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 03 sheets.  
☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1  
☐ None of the figures.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 02/20405

## Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

A fastening tool draws a mandrel (5) to allow a caulking portion(7) of the mandrel to deform a stem(4) of a rivet (2) so that workpieces(41,42)are fastened together. The fastening tool used in this process includes a nosepiece (18) having a protrusion(31). During caulking, the protrusion of the nosepiece applies a force on a flange of the rivet(2) to form a recess(44A) in the rivet flange and thereby peel a coating of the workpieces. As a result, electrical conductivity between the workpieces and the rivet is obtained.

0215M-000622/PC ✓CMB

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
CHRISTOPHER M. BROCK  
HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

**PCT**

**NOTIFICATION OF TRANSMITTAL OF  
INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

(PCT Rule 71.1)

Date of Mailing  
(day/month/year)

**24 OCT 2003**

Applicant's or agent's file reference

0275M-622/PC

**IMPORTANT NOTIFICATION**

International application No.

PCT/US02/20405

International filing date (day/month/year)

26 June 2002 (26.06.2002)

Priority date (day/month/year)

27 June 2001 (27.06.2001)

Applicant

NEWFREY LLC

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

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Commissioner for Patents  
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## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 02/20405

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 B21J15/36 B21J15/04

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 B21J

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	US 3 977 229 A (BRADLEY WILLIAM DAVID ET AL) 31 August 1976 (1976-08-31) the whole document ----	1 2-4
X A	US 6 042 313 A (DEHLKE KLAUS) 28 March 2000 (2000-03-28) column 9, line 6-20; figure 14 ----	1 2-4
A	FR 1 272 956 A (RICHARD LUCIEN) 6 October 1961 (1961-10-06) page 2, column 2, line 3-36; figures 7-9 -----	1-4

☐ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*Z\* document member of the same patent family

Date of the actual completion of the international search

22 August 2002

Date of mailing of the international search report

03/09/2002

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel (+31-70) 340-2040, Tx. 31 651 epo nl,  
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Authorized officer

Marc Augé

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 02/20405

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
US 3977229	A	31-08-1976	GB	1523867 A	06-09-1978
			DE	2537346 A1	25-03-1976
			FR	2284385 A1	09-04-1976
			JP	51054154 A	13-05-1976
US 6042313	A	28-03-2000	DE	19732517 A1	04-02-1999
			BR	9806666 A	20-03-2001
			EP	0894986 A2	03-02-1999
FR 1272956	A	06-10-1961	NONE		

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>0275M-622/PC</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/US02/20405</b>	International filing date ( <i>day/month/year</i> ) <b>26 June 2002 (26.06.2002)</b>	Priority date ( <i>day/month/year</i> ) <b>27 June 2001 (27.06.2001)</b>
International Patent Classification (IPC) or national classification and IPC <b>IPC(7): B21J 15/36, 15/04 and US Cl.: 29/243.52, 243.522, 243.529</b>		
Applicant <b>NEWFREY LLC</b>		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>    </u> sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application.</li> <li>VIII <input checked="" type="checkbox"/> Certain observations on the international application</li> </ul>		
Date of submission of the demand <b>21 January 2003 (21.01.2003)</b>	Date of completion of this report <b>14 October 2003</b>	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer David B Jones Telephone No. 703-308-1148	
<div style="text-align: right; padding-right: 50px;"> <b>Sheila H. Venev</b>  <b>Paralegal Specialist</b>  <b>Tech. Center 3700</b> </div>		

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US02/20405

## I. Basis of the report

1. With regard to the elements of the international application:\*
- ☒ the international application as originally filed.
  - ☒ the description:
    - pages 1-7 as originally filed
    - pages NONE, filed with the demand
    - pages NONE, filed with the letter of \_\_\_\_\_
  - ☒ the claims:
    - pages 8 and 9, as originally filed
    - pages NONE, as amended (together with any statement) under Article 19
    - pages NONE, filed with the demand
    - pages NONE, filed with the letter of \_\_\_\_\_
  - ☒ the drawings:
    - pages 1-6, as originally filed
    - pages NONE, filed with the demand
    - pages NONE, filed with the letter of \_\_\_\_\_
  - ☐ the sequence listing part of the description:
    - pages NONE, as originally filed
    - pages NONE, filed with the demand
    - pages NONE, filed with the letter of \_\_\_\_\_
2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
  - ☐ the language of publication of the international application (under Rule 48.3(b)).
  - ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in printed form.
  - ☐ filed together with the international application in computer readable form.
  - ☐ furnished subsequently to this Authority in written form.
  - ☐ furnished subsequently to this Authority in computer readable form.
  - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
  - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. ☒ The amendments have resulted in the cancellation of:
- ☒ the description, pages NONE
  - ☒ the claims, Nos. NONE
  - ☒ the drawings, sheets/fig NONE
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US02/20405**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-4</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-4</u>	NO
Industrial Applicability (IA)	Claims <u>1-4</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-4 lack novelty under PCT Article 33(2) as being anticipated by Bergere. The intended result of the pushing of the protrusion of the nosepiece into the flange of the rivet, i.e., "thereby partially peeling a coating of one of said workpieces on the sides of said flange, whereby electrical conductivity between said flange side workpiece and said rivet is established", is given no patentable weight in the "tool" claims and "the method of operating the tool" claims.

Claims 1-4 meet the criteria under PCT Article 33(4), because the subject matter claimed can be made or used in industry.

## ----- NEW CITATIONS -----

US 3,788,123 A (GULISTAN) 29 JANUARY 1974 (29.01.1976), SEE FIGURES 5-7.  
US 3,276,308 A (BERGERE) 04 OCTOBER 1966 (04.10.1966), SEE FIGURES 1-3.  
US 3,122,948 A (BAUGH ET AL) 03 MARCH 1964 (03.03.1964), SEE FIGURES 6 AND 7.  
US 2,405,897 A (MILONE ET AL.) 13 AUGUST 1946 (13.08.1946), SEE FIGURES 4 AND 5.



**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.

PCT/US02/20405

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

The claims are lacking under PCT article 6. The claims have been drafted in an awkward and non-idiomatic form. The claims appear to be a product of translation into English. The claims should be reviewed and amended into proper claim form. Also many of the limitations have not been positively recited and lack antecedent basis.